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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/786,540   | 02/26/2004  | Urs Jorimann         | 032498-023          | 3251             |
| 21839  | 7590        | 03/03/2006           | EXAMINER            |                  |
| BUCHANAN INGERSOLL PC<br>(INCLUDING BURNS, DOANE, SWECKER & MATHIS)<br>POST OFFICE BOX 1404<br>ALEXANDRIA, VA 22313-1404 |             |                      | SHERR, CRISTINA O   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3621                |                  |

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/786,540

**Applicant(s)**

JORIMANN ET AL.

**Examiner**

Cristina Owen Sherr

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to applicant's amendment filed November 8, 2005. Claims 1-19 are pending in this case.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson (US 5,765,152) in view of Stefik et al (US 5,629,980).

5. Regarding claim 1 –

Erickson discloses a method for controlling electronic records produced by an application software program, wherein designated users performing use the program and apparatus assigned user roles, said method comprising:

- (a) restricting access to the application software program to the designated users through a user authentication; (e.g. col 4 ln 55 – col 5 ln 5)
- (c) storing the electronic records in a protected data file format; (e.g. col 5 ln 1-10)
- (d) maintaining a history of access entries and activities performed in the application software program; (e.g. col 5 ln 10-20); and

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6. Erickson does not teach, but Stefik does (b) assigning a set of user rights to each user role, wherein said designated users are divided into a first group of users who are given a right to sign the electronic records and a second group who are denied the right to sign the electronic records (e.g. table 1).; and authenticating the electronic records by means of at least one electronic signature by one of the users of the first group, wherein access to step (e) of the method is denied to users of the second group. (e.g. col 7 ln 57-65). Specifically, Stefik teaches assigning different rights to different groups. Examples of these are the right to view a work, the right to make copies of the work, the right to modify a work. In order to exercise those rights, the user must authenticate him/herself electronically in order to show that s/he is in fact a member of the group.

7. Although Erickson does not specifically refer to records produced for an analytical software program, it would be obvious to one of ordinary skill in the art to adapt the teachings of Erickson, for any type of material to which one wishes to limit access for any reason. Further, it would be obvious to combine the teachings of Erickson and Stefik since both are in the realm of digital rights protection, and to adapt them to records containing different subject matter.

8. Regarding claims 2-3 –

Stefik discloses the method of claim 1, wherein access to step (e) is subject to an additional user authentication.

9. As above, Erickson and Stefik do not disclose the method of claim 1, wherein the method conforms to a set of requirements issued by the U.S. Federal Food and Drug Administration (FDA) and known as "Title 21, CFR Part 11 - Electronic Records;

Electronic Signatures", nevertheless it would be obvious to one of ordinary skill in the art to adapt the teachings of Erickson and Stefik, for any type of material to which one wishes to limit access for any reason.

10. Regarding claims 4-10 –

Stefik discloses the method of claim 1, wherein the at least one electronic signature comprises a plurality of electronic signatures, wherein a signature meaning is attached to each of said plurality of electronic signatures, said signature meaning being selected from a list of signature meanings, wherein the signature meaning indicates a signature status that an electronic record will have as a result of an electronic signature, and wherein each signature meaning in said list is correlated with a signature level in a hierarchy ascending from a lowest to a highest signature level, so that each of said plurality of electronic signatures is hierarchically ranked by way of its attached meaning; wherein the hierarchically ranked meanings include at least one of the meanings Tested", "Reviewed", "Approved", and "Released"; wherein each user of the first group is assigned a maximum signature level that is selected from the signature levels in said list, and wherein said user is not allowed to attach to his/her signature a signature meaning that exceeds said user's assigned maximum signature level; wherein said maximum signature level is assigned to a user in accordance with the user role performed by said user; wherein when the electronic record has already been signed at least once, said user is not allowed to attach to his/her signature a signature meaning that ranks lower than the signature status which the electronic record has as a result of said at least one previous signature; wherein when the electronic record has already

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been signed at least once, said user is not allowed to attach to his/her signature a signature meaning that does not rank at least one level higher than the signature status which the electronic record has as a result of said at least one previous signature; wherein said user is only allowed to attach to his/her signature a signature meaning exactly one level higher than the signature status which the electronic record has as a result of said at least one previous signature, so that said plurality of signatures follow each other in consecutive ascending order of signature level (e.g. col 7 In 20-60).

11. As above, although Stefik does not use the same terminology as the instant case, it would be obvious to one of ordinary skill in the art to change terminology or reorder step as needed in order to adapt Erickson to any sort of data requiring several levels of access. Specifically, Stefik teaches assigning different rights to different groups. Examples of these are the right to view a work, the right to make copies of the work, the right to modify a work. In order to exercise those rights, the user must authenticate him/herself electronically in order to show that s/he is in fact a member of the group.

12. Regarding claims 11-12 –

Stefik discloses the method of claim 4, wherein a record is fully authenticated after a prescribed number of signatures comprising at least two different signature levels have been attached to said record; wherein the at least two different signature levels comprise a prescribed hierarchically ascending series of signature levels (e.g. col 7 In 20-60). Specifically, Stefik teaches assigning different rights to different groups. Examples of these are the right to view a work, the right to make copies of the work, the

right to modify a work. In order to exercise those rights, the user must authenticate him/herself electronically in order to show that s/he is in fact a member of the group.

13. Regarding claims 13 –

Erickson discloses the method of claim 1, wherein step (e) comprises attaching a remark to the electronic signature (e.g. col 6 ln 20-35).

14. Regarding claims 14 – 15 –

Stefik discloses the method of claim 4, wherein the signature levels attached to the signature meanings in said list from the lowest to the highest level are consecutive ascending numbers starting at the number one; wherein the signature levels attached to the signature meanings in said list from the lowest to the highest level are nonconsecutive ascending numbers, leaving unused numbers available for additional intermediate signature levels (e.g. col 6 ln 20-35). Specifically, Stefik teaches assigning different rights to different groups. Examples of these are the right to view a work, the right to make copies of the work, the right to modify a work. In order to exercise those rights, the user must authenticate him/herself electronically in order to show that s/he is in fact a member of the group.

15. Regarding claims 16-17 –

Erickson discloses the method of claim 6, wherein parts (a) and (b) of the method are performed by a system administrator; wherein said parts (a) and (b) include at least one of: assigning user names and passwords to the designated users, retiring said user names and passwords, assigning the maximum signature level to each user account,

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and defining the signature meanings and ranking them according to signature levels (e.g. col 6 ln 20-35).

16. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al (US 5,629,980).

17. Regarding claim 18 –

Stefik discloses an application software program that implements a method for controlling electronic records, wherein the method comprises a signing procedure for authenticating the electronic records with a plurality of electronic signatures, with the following steps:

- a) designating a first group of users who are given a right to sign the electronic records and a second group of users who are denied the right to sign the electronic records; (e.g. col 4 ln 55 – col 5 ln 5)
- (b) restricting access to the signing procedure to the users of the first group through a verification routine in said application software program; (e.g. col 4 ln 55-60)
- (c) establishing a list of signature meanings to be attached to the electronic signatures, wherein each signature meaning in said list is ranked according to a signature level defined as an ordinal number; (e.g. col 5 ln 1-10)
- (d) assigning to each user of the first group a maximum signature level; (e.g. col 5 ln 10-20) and
- (e) controlling said signing procedure so that the user can sign a record only with a signature meaning that ranks not lower than any previous signature attached to



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the record and not higher than the user's maximum signature level. (e.g. col 4 In 55 – In 5 In 55).

17. Although Stefik does not specifically refer to records produced for an analytical software program, it would be obvious to one of ordinary skill in the art to adapt the teachings of Erickson, for any type of copy righted material or any type of material to which one wishes to limit access for any reason.

18. Regarding claim 19 –

Stefik discloses the application software program of claim 18, wherein step (e) comprises controlling said signing procedure so that the user can sign a record only with a signature meaning that ranks higher than any previous signature attached to the record, but not higher than the user's maximum signature level (e.g. col 5 In 20-45).

19. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

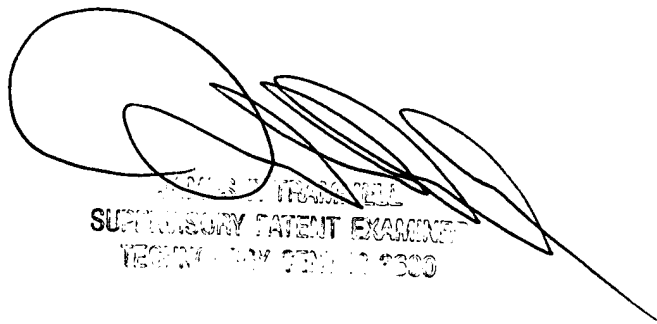
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272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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